



# **Commonwealth of Massachusetts**

## **Board of Building Regulations & Standards**

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### **Policy for Continuing Education** **For Maintenance of Construction Supervisor Licensing**

### **TO ALL LICENSED CONSTRUCTION SUPERVISORS ANY** **OTHER INTERESTED PARTIES**

**THE FOLLOWING POLICY, WHEN IMPLIMENTED, WILL AFFECT THE RENEWAL OF YOUR CONSTRUCTION SUPERVISOR'S LICENSE.**

**EFFECTIVE JANUARY 1 2001 ALL CONSTRUCTION SUPERVISOR LICENSE HOLDERS WILL BE REQUIRED TO UNDERTAKE COURSES OF CONTINUING EDUCATION IN ORDER TO MAINTAIN LICENSURE AS A CONSTREUTION SUPERVISOR.**

**THE FOLLOWING DOCUMENT REPRESENTS THE BOARD'S DRAFT POLICY RELATIVE TO CONTINUING EDUCATION.**

**THE DRAFT POLICY COVERS THE DRAFT PROCEDURES THAT WILL BE REQUIRED TO BE FOLLOWED FOR APPROVAL OF COURSES OF EDUCATION, APPROVAL OF PROVIDERS OF CONTINUING EDUCATION AND NEW REQUIREMENTS IMPOSED ON THE LICENSEE.**

**THE BOARD OF BUILDING REGULATIONS AND STANDARDS IS SEEKING COMMENTS ON THIS DRAFT PROPOSAL.**

**IF YOU WISH TO COMMENT PLEASE MAIL YOUR COMMENTS TO;**

**THE CHAIRMAN  
BOARD OF BUILDING REGULATIONS AND STANDARDS  
ONE ASHBURTON PLACE (ROOM 1301)  
BOSTON, MA 02108**

**PLEASE NOTE THAT THE COMMENT PERIOD IS OPEN UNTIL JUNE 1<sup>ST</sup>, 2000**

**IF YOU NEED A TYPWRITTEN COPY, PLEASE WRITE THE SAME ADDRESS OR CALL  
(617) 727-3200 EXTENSION 25214**



# Commonwealth of Massachusetts

## Board of Building Regulations & Standards

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### Policy for Continuing Education For Maintenance of Construction Supervisor Licensing

This policy shall take effect on January 1, 2001. Following this date, all construction supervisors who are licensed by the Commonwealth of Massachusetts Board of Building Regulations shall be subject to the provisions of this policy in order to remain in good standing in the program.

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#### **Part 1 - General Requirements:**

**Section 1.1 - Responsibilities:** 780 CMR R5, the *Rules and Regulations for the Licensing of Construction Supervisors*, requires all who are licensed to supervise building construction by the Board of Building Regulations and Standards (Board), to maintain said status by attaining at least **eighteen (18) hours** of continuing education credit for each **three (3) year period** following initial licensure. It shall be the responsibility of each licensee and/or approved *Provider of Education* under these regulations to submit appropriate documentation, as defined by Section 5 of this policy, demonstrating compliance with continuing education requirements. Such documentation shall be forwarded as prescribed by Section 5 each license renewal period, beginning January 1, 2004. Failure to comply with educational requirements of this program shall result in revocation of license.

The purpose of this document is multi-fold. Part 2 identifies methods of attaining acceptable education credit. Part 3 defines who may be considered an approved *Provider of Education* and establishes application procedures to become an approved *Provider of Education*. Part 4 identifies procedures to accredit courses of instruction. Part 5 identifies reporting procedures for compliance with continuing education requirements. Part 6 identifies procedures for filing complaints.

#### **Part 2 - Acceptable Methods of Attaining Education Credit:**

**Section 2.1 - General:** To be considered *acceptable education credit* for the purposes of this policy, material covered during programs of instruction shall be pertinent to the duties of a licensed construction supervisor. To receive full credit for course material, one **shall** attend the full program offering and complete all course requirements. Records of attendance shall be submitted to the Board by an approved *Provider of Education* as prescribed by Section 5 of this policy. Such records shall be issued under the pains and penalties of perjury. Although attendance records are maintained by providers, all licensed construction supervisors are encouraged to retain records pertinent to this program. In the event of a discrepancy, the license holder may be required to submit such documentation to the Board.

**Section 2.2 - Acceptable Education Credit:** Only courses which are approved under the provisions of this program shall be considered acceptable for purposes of education credit. All

courses of education defined as Category A Credit under Section 4.3.2 of this policy shall be approved by the Board and shall be assigned a course number and credit value (identified in hours) in order to be considered acceptable credit under this program. Acceptable credit shall

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include only those courses of study covering materials which are considered pertinent to the job function of a licensed construction supervisor (identified as Category A Credit under Section 4.3.2 of this policy) or have otherwise been approved by the Board in accordance with this program (identified as Category B under Section 4.3.3 this policy).

### **Part 3 - Approved Provider of Education (Applicable to Category A Credit only)**

An individual seeking approval to instruct courses of education that are defined as Category A Credit under Section 4.3.2 of this policy shall also seek approval as an **Approved Provider of Education** as described below.

**Section 3.1 - Definition:** An approved Provider of education shall be an individual who by virtue of education and/or experience has demonstrated proficiency in construction, construction code, construction design, and/or fields related to construction to the Board as prescribed by this policy. An approved *Provider of Education* shall have at least five years experience in the supervision of building construction or design, or as an alternative, at least a four year undergraduate degree in a related field (such as architecture, engineering or building construction science), and shall have at least two years of demonstrable experience as an instructor or trainer.

**Section 3.2 - Procedures:** A candidate for approval as a *Provider of Education* shall follow the instructions as defined by **Attachment 1** of this policy. Applications, along with associated fees, shall be forwarded to the Office of the Board of Building Regulations and Standards, One Ashburton Place - Room 1301, Boston, MA 02108; attention Construction Supervisor Licensing Coordinator.

Applications shall be reviewed by the full Board, or a subcommittee thereof as designated by the chairman for such purpose, for approval or denial. Decisions of the full Board are binding and final upon the applicant. Decisions of a subcommittee may be appealed to the full Board upon written request of the applicant.

Incomplete applications will not be considered; all materials (along with application fees) will be returned to the applicant. Corrected applications may be re-submitted at the discretion of the applicant.

All applications which are reviewed by the Board or a sub-committee thereof shall be subjected to the appropriate application fee. If an application is denied, such denial shall be made in writing to the applicant with reasons for denial clearly stated. Such reasons for denial shall include, but shall not be limited to:

- a.) Failure to meet minimum qualifications as defined by this policy for approval as a *Provider of Education*;
- b.) Failure to identify specific areas of the code and/or related materials which will be presented as part of the course.

**Section 3.3 - Approval:** An approved *Provider of Education* shall be issued an instructor's number by the Board which shall remain on file at the Board. Such approval number shall appear on all approved courses and related materials as presented by said instructor. Once

issued, approval does not require renewal, and is not subject to expiration. However, approval may be revoked by the Board for just cause including, but not limited to; failure to conduct scheduled courses, course content that does not reflect current code requirements, failure to follow procedures for reporting attendance.

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Approved Providers may utilize the services of non-approved trainers in their courses, but such non-approved trainers may not conduct more than 25% of the total hours of any course.

**Section 3.4 - Violations:** It shall be a violation of this policy, punishable by fines not to exceed one-thousand dollars (\$1,000.00), to lend and\or sell the rights to such approval number. If it is determined by the Board that an approved *Provider of Education* has lent and\or sold the rights to his\her approval number, in addition to administrative penalties identified above, said approval shall be immediately revoked. If a Provider's approval number is revoked, he\she shall not approach the Board for reconsideration of approval for a period of at least five (5) years following date of revocation. Decisions concerning revocation of approval shall be made by the full Board. All decisions of the Board are final and binding upon the provider. Any person who is aggrieved by this section may appeal to a court of competent jurisdiction.

#### **Part 4 - Approved Courses of Education**

**Section 4.1 - Definition:** Courses which are approved for credit by procedures established by this policy shall include only those covering materials which are considered **directly** pertinent to the job duties of a licensed construction supervisor and are identified as Category A Credit as defined by Section 4.3.2 of this policy.

**Section 4.2 - Procedures:** Individuals and\or entities seeking approval for courses of education shall follow procedures as defined in **Attachment 2** of this policy. Applications, along with associated fees, shall be forwarded to the Office of the Board of Building Regulations and Standards, One Ashburton Place - Room 1301, Boston, MA 02108; attention Construction Supervisor Licensing Coordinator.

Applications shall be reviewed by the full Board, or a subcommittee thereof as designated by the chairman for such purpose, for approval or denial. Decisions of the full Board are binding and final upon the applicant. Decisions of a subcommittee may be appealed to the full Board upon written request of the applicant.

Incomplete applications will not be considered; all materials (along with application fees) will be returned to the applicant. Corrected applications may be re-submitted at the discretion of the applicant.

All applications which are reviewed by the Board or a sub-committee thereof shall be subjected to the appropriate application fee. If an application is denied, such denial shall be made in writing to the applicant with reasons for denial clearly stated. Such reasons for denial shall include, but shall not be limited to:

- a.) Failure to identify specific areas of the code and\or related materials which will be taught as part of the course;
- b.) Failure to identify methods of recording attendance;

- c.) Failure to identify acceptable certificates of attendance.

### **Section 4.3 - Acceptable Continuing Education Credit:**

**Section 4.3.1 - Categories of Credit:** There shall be two categories of acceptable continuing education credit for the purposes of maintaining licensure as a construction supervisor. The first shall be known as **Category A Credit**, the second as **Category B Credit**.

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A licensed construction supervisor shall attain at least 12 hours of Category A education credit per three-year renewal cycle. The remaining 6 hours may be achieved in any combination of Category A or B credit as the license holder so desires.

A licensed construction supervisor who is also certified as a building code enforcement official as defined in 780 CMR R7 shall not be required to attain credit hours in excess of that required to maintain his\her certification as defined in said regulation.

**Section 4.3.2 - Category A Credit:** Category A credit shall include only those methods of study covering materials that are considered directly pertinent to the job function of a licensed construction supervisor as it relates to the understanding of the provisions of the state building code and\or its reference standards.

Such materials include (but are not limited to) *780 CMR, The Massachusetts State Building Code* (the Code); the *special rules and regulations* which are included at the end of the Code as *780 CMR R1 through 780 CMR R7*; or any *reference standard* or *specialized codes* which are included in any Appendix of the Code. Examples of such standards or codes are; the National Fire Prevention Association's (NFPA) Standards 13 or 72, and the American Concrete Institute (ACI) Standard 318, or the Massachusetts State Plumbing and Gas Code.

Additionally, courses which concentrate on building plan reading and review, and hands on applications of specific construction specialties (such as fireplace design and construction) may be considered for credit upon application to the BBRS.

Category A courses of instruction may be offered by approved *Providers of Education* only.

**Section 4.3.3 - Category B Credit:** Category B credit shall include all other sources of education as identified in items (1.) through (4.) below. Instructors of Category B courses of education are not required to be approved by procedures prescribed by Part 3 of this policy. However, it shall be the obligation of such instructor to provide records of attendance to the Board as described by Part 5 of this policy for all students seeking credit by this program. Category B credit shall be assigned on an hour per hour basis. (For example, a two hour seminar sponsored by a local home builder's association that examines the proper use of dimensional lumber span tables would be assigned 2 credit hours under this program upon appropriate notification to the Board. The license holder could acquire a maximum of 4 more credit hours via this method per three-year education cycle.)

- 1.) Continuing education delivered, offered or sponsored by an accredited academic institution which enhance the knowledge of a licensed person in terms of his\her business practices and procedures. Such courses may include, but are not limited to, computer and\or Internet literacy, bookkeeping and accounting, ethical business practices, construction law, consumer rights. For purposes of this policy, an accredited institution is a high school, community college, junior college, college, university, technical or vocational school or similar institution.
  - 2.) Continuing education delivered, offered or sponsored by a recognized builder, home builder construction or contracting association.
  - 3.) Continuing education delivered, offered or sponsored by a municipal, state or federal governmental agency.
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- 4.) Continuing education delivered offered or sponsored by a recognized legal and\or business operation.

**Section 4.3 - Approval:** Each course which is approved for credit by procedures established by this policy shall be assigned a course number by the Board which shall remain on file at the Board for the duration of such approval. Such approval number shall appear on all course and related materials. Members of the Board, or others designated by the Board for such purpose, may monitor approved courses of education from time to time to ensure compliance with program requirements.

**Section 4.4 - Violations:** It shall be a violation of this policy, punishable by fines not to exceed one-thousand dollars (\$1,000.00), to falsify documents relating to approved courses of education, or in any manner mislead or misrepresent information presented to the Board, licensees, or any member of the general public relating to approved courses of education under this policy. If it is determined by the Board that falsification or misrepresentation has occurred relating to approved courses or course material said course approval material shall be immediately revoked. If course approval is revoked, applicants affected by such revocation shall not approach the Board for reconsideration of approval for a period of at least five (5) years following date of revocation. An *Approved Provider* of education who has been deemed to be part of such falsification or misrepresentation, may be subject to punitive procedures as prescribed by Section 3.4 of this policy. Decisions concerning revocation of approval shall be made by the full Board. All decisions of the Board are final and binding upon the Provider. Any person who is aggrieved by this section may appeal to a court of competent jurisdiction.

## **Part 5 - Reporting Approved Credit**

**Section 5.1 - Responsibilities:** It shall be the responsibility of the approved *Provider of Education* to maintain attendance materials for all licensed construction supervisors who attend courses that have been approved by procedures established by this policy. Such attendance materials shall be forwarded to the Board, or to another agency which has been approved by the Board to maintain such attendance records, within one month of the conclusion of said approved course of study. Such attendance information shall be forwarded in a format compatible with the Board's (or the Board's designated agency) electronic data base (in a format specified by the Board).

In addition, an approved Provider of education shall issue a certificate of completion to each licensed construction supervisor who attends courses that have been approved by procedures established by this policy. Said certificate shall include the name of the approved course, the course approval number as issued by the Board, the approved credit value (in number of hours), the location in which the course was attended, the date(s) of attendance and the name of the licensed construction supervisor in attendance. Said certificate shall be signed by the *Approved Provider of Education* who instructed the course in attestation of the licensed attendee's completion of all course requirements. Any falsification or misrepresentation relating to certificates of completion shall be considered a violation of this policy, punishable by procedures prescribed by Section 4.4 of this policy.

The licensed construction supervisor shall maintain a copy of all certificates of completion for his\her records. In the event of a discrepancy, the license holder may be required to forward the original or copies of all certificates, demonstrating compliance with continuing education procedures prescribed by this policy. Otherwise, the electronic database shall act as the official source for demonstrating compliance with this the provisions of this program. Any license holder who fails to maintain continuing education credit as defined by this policy shall be subject to revocation of license.

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## **Part 6 Procedures for Complaints:**

### **Section 6.1 Complaints:**

**Section 6.1.1 Cause for complaint:** Any approved *Provider of Education* who has been alleged to have misrepresented him\herself in respect to the provisions of this policy or has violated the provisions of this policy in any manner may be required to appear before the Board or a sub-committee thereof for a hearing under the provisions of M.G.L. c. 30A. A complaint shall be made in writing to the Board, or the Board itself may institute a complaint against an approved *Provider of Education*, for cause

**Section 6.1.2 Hearings on complaints:** If a hearing is to convene, at least ten days notice shall be afforded all those whom are party to the complaint. The sending of notice to the address recorded on the records of the Board shall be deemed sufficient notice.

**Section 6.1.3 Notice of hearings:** The notice shall contain:

- a. The name of the complainant
- b. A copy of the complaint
- c. The date, time and place of said hearing.

The complete file of complaint shall be available for inspection at the office of the Board during regular business hours. Parties may present written or oral evidence to refute or mitigate any charge contained in the complaint and present witnesses on his/her behalf. In the event that the a vote is taken resulting in punitive action against said *Provider of Education's* approval, the provider, upon notice of the decision, shall immediately comply with said orders.

**Section 6.1.4 Continuation of hearings:** The Board or its subcommittee, in its discretion, may continue the date for hearing upon request by the provider, the complainant or the Board or sub-committee itself.

**Section 6.1.5 Timing of decisions:** A decision shall be rendered within 15 days of the hearing. A written decision shall be issued within 30 days of the hearing date.

**Section 6.1.6 Decisions:** The decision shall be final and binding upon the *Provider of Education* and the complainant.

**Section 6.1.7 Appeal;** Any person aggrieved by a decision relative to this process may appeal such decision to a court of law or equity in conformance with M.G.L. c. 30A, §14.

## **Section 6.2 Revocation of Provider's number and alternative sanctions:**

**Section 6.2.1:** The Board or a sub-committee thereof, subject to the requirements of the Administrative Practices in accordance with M.G.L. c. 30A, may suspend or revoke a Provider's number or assess any other penalties as provided for by law, if it is determined that the provider has: (The following is not an exhaustive list.)

- a. obtained a provider's number by fraud or misrepresentation, or the person named as the provider has obtained it by fraud or misrepresentation;
- b. aided or abetted in practice as a provider of education any person not authorized to practice as a Provider of education as defined by Policy for Maintenance of Continuing Education;
- c. *fraudulently or deceitfully practiced as a Provider of Education*;
- d. been grossly negligent or has engaged in misconduct in the performance of his\her duties;

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- e. failed to maintain his\her *Provider of Education* number as current;
  - f. been found to have failed to report any offer, or bribe, other favor in a proceeding under the Continuing Education Policy or other appropriate law of this or any other state or jurisdiction;
  - g. made a false or misleading statement, or has made a material omission in any submission to the Board;
  - h. failed to submit the appropriate paper work to maintain a previously accredited course or failing to update a course following the issuance of an updated version of the Massachusetts State Building Code;
  - i. failed his duties as a *Provider of Education* through the misrepresentation of the Massachusetts State Building Code, 780 CMR, or any related subject.

## **Section 6.3 Violations and Penalties:**

**Section 6.3.1:** It shall be a violation of the Continuing Education Policy on or after January 1, 2001, for any individual to represent himself/herself to be qualified for a position that the individual does not currently hold, or to use a title or otherwise represent himself/herself to be qualified for a position that the individual does not currently hold, or to use a title or otherwise represent himself/herself as approved or authorized to act under this Policy for Continuing Education if that individual does not possess a current Provider' number. In addition to any other remedy available under law, such representation shall be deemed a violation of the Policy for Continuing Education and any other penalties as provided for by law.



## **The Board of Building Regulations and Standards Attachment 1**

### **Application to become an approved provider of education credit for the Construction Supervisor Licensing Program**

***780 CMR R5 states that “an approved provider of education shall be an individual who by virtue of education and/ or experience has demonstrated proficiency in construction, construction code, construction design, and/or fields related to construction to the Board as prescribed by this policy”***

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#### **Purpose:**

This application shall be used by an individual(s) seeking approval by the BBRS as a provider of education credit for purposes defined by the Board of Building Regulations and Standards' Education Policy for Maintenance of Construction Supervisor Licensing Status.

Please complete this application fully and completely, attach all required information, including application fees of one hundred and fifty dollars (\$150.<sup>00</sup>) per application, and return to the Office of the Board of Building Regulations and Standards, One Ashburton Place - Room 1301, Boston, MA 02108; attention Construction Supervisor Program Licensing Coordinator.

Incomplete applications will not be considered, and will be returned to the applicant at the applicant's expense. False Statements made part of this application or any attached material shall be deemed a violation of program requirements, punishable by the pains and penalties of perjury, and fines up to one thousand dollars (\$1,000.<sup>00</sup>).

#### **Part One:**

**Name of Applicant**

\_\_\_\_\_

**Address of Applicant:**

\_\_\_\_\_  
(No. & Street) (City or Town) (State) (Zip Code)

**Phone Number:**

\_\_\_\_\_  
(Home phone number/area code)

#### **Part Two:**

In order to be considered eligible for approval as a provider of education, an applicant shall demonstrate to the satisfaction of the Board of Building Regulations and Standards that he\she has a full understanding of requirements necessary to achieve licensure as a construction supervisor and that by virtue of his\her education and\or experience has acquired practical construction, construction code and\or construction design proficiency. As a minimum, an applicant for approval as a provider of education shall have at least five years experience in the supervision of building construction or design or in the alternative a four year undergraduate degree in a related field, and shall have at least two years of demonstrable experience as instructor of education.

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An applicant shall attach a copy of his\her most current and up-to-date resume clearly demonstrating that he\she meets the minimum qualifications defined above. Additionally, an applicant shall attach two letters of recommendation. The first letter shall be signed and sealed by a registered professional engineer or architect and shall relate to the applicant's knowledge of building construction and\or design. The second shall be signed by a member of academia and shall relate to the applicant's abilities as an instructor of education. Each shall be notarized.

**Part Three:**

**Affidavit:**

I do solemnly swear that the information and support materials presented on and as part of this application and the information contained on all attachments are the truth and are complete to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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**Do not write in this space. Office use only.**

Date Application was received: \_\_\_\_\_

Vote of Board:

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Approval Number

\_\_\_\_\_  
Denied

\_\_\_\_\_  
Reason(s) for denial

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Check Number

\_\_\_\_\_  
Date Received



# The Board of Building Regulations and Standards

## Attachment 2

### Application for continuing education courses approval Construction Supervisor Licensing Program

**780 CMR R5 states that “*courses which are approved for credit by procedures established by this policy shall include only those covering materials which are considered directly pertinent to the job duties...*”**

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#### **Purpose:**

This application shall be used by an individual(s) or entities seeking approval by the BBRS for courses of continuing education credit for purposes defined by the Board of Building Regulations and Standards' Education Policy for Maintenance of Construction Supervisor Licensing Status.

Please complete this application fully and completely, attach all required information, including application fees of one hundred and fifty dollars (\$150.<sup>00</sup>) per application, and return to the Office of the Board of Building Regulations and Standards, One Ashburton Place - Room 1301, Boston , MA 02108; attention Construction Supervisor Program Licensing Coordinator.

Incomplete applications will not be considered, and will be returned to the applicant at the applicant's expense.

False Statements made part of this application or any attached material shall be deemed a violation of program requirements, punishable by the pains and penalties of perjury, and fines *up to one thousand dollars (\$1,000.<sup>00</sup>)*.

#### **Part One:**

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_  
(No. & Street) (City or Town) (State) (Zip Code)

Phone Number: \_\_\_\_\_  
(Home phone number/area code)

Title of Course: \_\_\_\_\_

Course Description: \_\_\_\_\_  
(Give a brief description of the course and attach a detailed syllabus describing course requirements)

\_\_\_\_\_  
\_\_\_\_\_

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Course Location: \_\_\_\_\_  
(Define the exact location and times that said course will be offered)

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**Part Two:**

In order to be considered eligible for approval as a course of continuing education for the purposes of this program course materials and subject matter shall be directly pertinent to the duties of a licensed construction supervisor as prescribed by Sections 1 through 5 of the board's policy for continuing education. Only those who have been duly approved by the board as a provider of education shall be permitted to instruct such courses of continuing education.

**Part Three:**

**Affidavit:**

I do solemnly swear that the information and support materials presented on and as part of this application and the information contained on all attachments are the truth and are complete to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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**Do not write in this space. Office use only.**

Date Application was received: \_\_\_\_\_

Vote of Board: \_\_\_\_\_  
Approved

\_\_\_\_\_  
Approval Number

\_\_\_\_\_  
Denied

\_\_\_\_\_  
Reason(s) for denial

\_\_\_\_\_  
Check Number

\_\_\_\_\_  
Date Received